THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.1943 OF 2006

-

Dated: 06-03-2006

-

Between

N. Nihar, S/o. N. Srinivasa Rao,

R/o. Flat No.307,

Venkatapathi Mansion,

Bhagyanagar, Kukataplly,

Hyderabad.

...PETITIONER

AND

Jawaharlal Nehru Technological University,

Rep. by its Registrar, Administrative

Building, Kukataplly, Hyderabad and another.

...RESPONDENTS

ORDER:

-

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in not allowing him to write the exams for 1st semester of II year in B.Tech, ECE branch and attend II year classes in the second respondent college as illegal and arbitrary.

Learned counsel for the petitioner submits that petitioner is studying B-tech Degree in Electronics and Communications Engineering in the second respondent college and

completed his first year examinations but his name appeared in the list of 11 detained students vide notice of the second respondent college dated 27.10.2005 on the ground that the petitioner got less than 65% attendance and therefore, he is restrained from writing the exams of

the 1st semester of II year.

It appears that out of the 11 students, whose names appeared in the list of students detained, six students have made representations/complaints against the marking of attendance by the second respondent college to the first respondent University and by proceedings dated 30.10.2005 the first respondent University directed to conduct enquiry into the allegations detaining the said students, who have made representations, and pending enquiry the Principal of the second respondent college was directed to allow the said six students for the practical and theory examinations. Out of the said 11 students two students viz. B. Udaya Kumar and Valluri Anil Kumar, approached this Court in WP.No.23931 of 2005 and the writ petition was disposed of directing the petitioner to take the examinations and the enquiry directed by the first respondent shall cover the cases of petitioners also and if the enquiry reveals that the petitioners do not have requisite attendance, they shall not be entitled for any benefit of the results of the examinations.

It is stated that the enquiry in respect of the aforesaid petitioners in WP.No.23931 of 2005 is still pending but the same has been completed in respect of the said six students and found that they have got requisite attendance.

The first petitioner in WP.No.23931 of 2005 i.e. B. Udaya Kumar and two others viz. M. Vineeth Kumar and A. Dheeraj, filed WP.No.2870 of 2006 and this Court allowed the writ petition insofar as B. Udaya Kumar is concerned as he made a representation and wrote the examinations pursuant to the order in WP.No.23931 of 2006 and dismissed the writ petition insofar as the other two petitioners as they did not chose to make a representation before the first respondent and did not write the examinations.

Learned counsel for the respondents submits that the petitioner in this writ petition stands on the same footing as that of the petitioners 2 and 3 in WP.No.2870 of 2006, as the petitioner herein also did not make any representation before the first respondent and did

not write the examinations.

Following the judgment in WP.No.2870 of 2006 whereby the claim of the petitioners 2 and 3 therein was rejected, this writ petition is dismissed.

_____

V. ESWARAIAH, J

March 6, 2006

DSK